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**Child Nutrition Programs Rule 0520-01-06-.04**

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**The Background:**

The federal rules for the Healthy, Hunger-Free Kids Act of 2010, “establish regulatory requirements for food sold in other areas of the school campus or at other times in the school day.” However, the rules include a provision that allows states to set up “special exemptions for infrequent school-sponsored fundraisers.” “If a state agency does not specify the exemption frequency” the default number will be zero (0). At the July 25, 2014 State Board of Education meeting, the board approved thirty (30) exemption days per year for Tennessee schools.

During the August 19, 2015, hearing of the Government Operations Committee of the Tennessee General Assembly, committee members expressed concern over the sufficiency of 30 exemption days and asked that the Board consider increasing the allowable number of exemption days.

After further discussion with members of the Committee, twenty (20) days per semester, with the option to request additional exemption days through a waiver, is being recommended for consideration.

For clarification purposes, this rule does not extend to the sale of food items intended for off campus consumption, “(e.g. catalog sales or frozen pizzas and cookie dough)”.

**The Fiscal Analysis Impact:**

Tenn. Code Ann. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

**The Recommendation:**

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.